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TESTIMONY OF NANCY K. MENDEL
Environmental Attorney, Principal
WINNICK RUBEN HOFFNUNG PEABODY & MENDEL, LLC
Submitted to the
COMMERCE COMMITTEE & ENVIRONMENT COMMITTEE
MARCH 4, 2020 FOR JOINT HEARING ON MARCH 5, 2020

S.B. No. 281 (RAISED) AN ACT CONCERNING VARIOUS REVISIONS TO THE PROPERTY TRANSFER LAW.

S.B. No. 293 (RAISED) AN ACT ESTABLISHING A RELEASE-BASED PROPERTY REMEDIATION PROGRAM.

1. *I would like to express support for Sections 1 through 5 of Raised Bill SB-281, but with the strong recommendation to strike-out in its entirety Sections 6 through 11 of the Bill as being, premature, problematic, unclear and lacking in sufficient details for an effective and successful sunseting of the Transfer Act and establishment of a release-based transition program.*
2. *I would like to recommend adopting strike-all substitute language into SB-293 establishing the two-phase approach outlined herein with the goal of fully implementing a released-based reporting and cleanup system in Connecticut by July, 2022.*

I am an environmental attorney with close to 30 years' experience working on the clean-up and redevelopment of brownfields, large and small, on behalf of buyers, sellers, private developers, manufacturers, municipalities, non-profits and fortune 500 companies in every county in the State. I have served as outside environmental counsel to the City of New Haven, the City of West Haven and the City of Hartford on several of their respective MDP projects, and to REX Development, the economic development entity for the fifteen towns served by the South Central Regional Council of Governments (SCRCOG) on their DECD and EPA brownfield assessment and remediation grant and loan programs, and have seen

firsthand the challenges to Brownfields' site redevelopment. I have worked in the trenches with the Connecticut Transfer Act, the Voluntary Remediation Programs, the Licensed Environmental Professional program, Covenants not to Sue, Environmental Land Use Restrictions, the Municipal Liability Relief Program and all aspects of the Remediation Standard Regulations. I was part of the original group of drafters of Connecticut's landmark Brownfields Revitalization and Remediation Act providing first of its kind in the nation state liability relief for Brownfield developers. I believe I have also submitted the most applications to the BRRP program since its passage in 2011 including projects in Stamford, Windsor, New Haven, Norwalk, Waterbury and Southington.

More recently, I was a member of the original stakeholders group working with DEEP under the leadership of the chairs of the Commerce & Environment Committees, to draft the first wave of the recent revisions to the Transfer Act, which were passed during the 2019 legislative session and codified in Public Act 19-75.

Most if not all in the regulated community strongly supports a transition to a release-based program, however, such a transition including sunseting of the Transfer Act should be done in a mindful way with time for thought and working out the details of such a "sea change" (as described by DEEP), in the way sites are managed in the state. I have been participating in DEEPs recent meetings on such a program for the past several weeks, as have many of my colleagues, as we want to see a successful outcome for the state. However, it is becoming crystal clear from those conversations that there are significant details that will need to be resolved in order to establish a successful framework of this program. The current push by DEEP to create such a statutory program in the remaining 44 days of this legislative session, I'm afraid, will lead to a failed program and have the opposite effect of further disincentivizing economic development of these industrial properties in the state, regardless of the sunseting of the Transfer Act.

Finally, as a member of CBIA, I support the testimony submitted at the March 5th joint hearing on these raised bills.

Thank you for your consideration and I remain hopeful about the process and the potential for great success by working together for a common goal, just as was done last year with public act 19-75 and the 2011 effort to create the BRRP program.

Respectfully,

Nancy K. Mendel
NKM/kh